

**GEORGIA STATE BOARD OF PHARMACY  
BOARD MEETING  
December 3, 2010  
Teleconference**

The Georgia State Board of Pharmacy met via teleconference on December 3, 2010.

**Members Present:**

Mickey Tatum, President  
Steve Wilson, Vice President  
Judy Gardner  
Al McConnell  
Fred Barber  
Bill Prather  
Ronnie Wallace

**Staff Present:**

Lisa Durden, Executive Director  
Janet Wray, Senior Assistant Attorney General

Mickey Tatum established that a quorum was present and called the meeting to order at 9:15 a.m.

<b>Open Session</b>
---------------------

Bill Prather made a motion to post proposed rules 480-15-.01 Definitions, 480-15-.02 Registration of Pharmacy Technicians, 480-15-.03 Use of Registered Pharmacy Technicians and other Pharmacy Personnel, 480-15-.04 Duties of the Pharmacist in Charge Related to Registered Pharmacy Technicians, and 480-15-.05 Duties or Functions Prohibited from Being Performed by a Registered Pharmacy Technician. Steve Wilson seconded the motion and the Board voted unanimously in favor of posting the rules as follows:

NOTE: Struck through text is proposed to be deleted. Underlined text is proposed to be added.

**480-15-.01 Definitions.**

For purposes of this chapter, the following definitions shall apply:

- (a) "Board" shall mean the Georgia State Board of Pharmacy.
- (b) "Certified pharmacy technician" shall mean a pharmacy technician who has either successfully passed a certification program approved by the Board, or has successfully passed an employer's training and assessment program approved by the Board, or has been certified by either the Pharmacy Technician Certification Board (PTCB) or any other nationally recognized certifying body approved by the Board.

(c) "Pharmacist" shall mean an individual currently licensed by this state to engage in the practice of pharmacy.

(d) Pharmacist in charge" means a pharmacist currently licensed in this state who accepts responsibility for the operation of a pharmacy in conformance with all laws and rules pertinent to the practice of pharmacy and the distribution of drugs and who is personally in full and actual charge of such pharmacy and personnel.

~~(d)~~ (e) "Pharmacy intern" shall mean an individual who is a student currently enrolled in an approved school or college of pharmacy, has registered with the Board, and has been licensed as a pharmacy intern, or a graduate of an approved school or college of pharmacy who is currently licensed by the board for the purpose of obtaining practical experience as a requirement for licensure as a pharmacist, or an individual who has established educational equivalency by obtaining a Foreign Pharmacy Graduate Examination Committee (FPGEC) certificate and is currently licensed by the Board for the purpose of obtaining practical experience as a requirement for licensure as a pharmacist.

~~(e)~~ (f) "Pharmacy extern" shall mean an individual who is a student currently enrolled in an approved school or college of pharmacy and who has been assigned by the school or college of pharmacy for the purposes of obtaining practical experience and completing a degree in pharmacy.

~~(f)~~ (g) "Registered Pharmacy technician" shall mean those support persons registered with the board who are utilized in pharmacies and whose responsibilities are to provide nonjudgmental technical services concerned with the preparation for dispensing of drugs under the direct supervision and responsibility of a pharmacist.

Authority: O.C.G.A. §§26-4-5, 26-4-27, 26-4-28 and 26-4-82.

NOTE: Struck through text is proposed to be deleted. Underlined text is proposed to be added.

#### **480-15-.02 Registration of Pharmacy Technicians.**

(a) In order to be registered as a Pharmacy Technician in this State, an applicant shall:

(1) Submit an application to the Board on the form prescribed by the Board;

(2) Attest that applicant is 17 years old;

(3) Attest that applicant is currently enrolled in high school, has a high school diploma or has a GED;

(4) Consent, provide the necessary information to conduct, and pay for a background check to be conducted by the Board, its agent or a firm or firms approved by the Board, which background check will include a criminal history, driver license history and other information as the Board deems necessary, and will authorize the Board and the Georgia Drugs and Narcotics Agency to receive the results;

(5) Submit the results of a 10 or more panel drug screen of a type specified on the application taken within fourteen days of the application;

- (6) Submit the name and address of employer and place of employment;
- (7) Pay application fees; and
- (8) If certified, submit evidence of training supporting designation as certified.
- (b) The Board may deny registration or conditionally grant registration for any of the reasons set forth in Code sections 26-4-60 or 43-1-19. This includes convictions, pleas of nolo contendere and guilty pleas related to misdemeanor crimes of moral turpitude or marijuana and to felonies. In addition, no pharmacist whose license has been denied, revoked, suspended, or restricted for disciplinary purposes shall be eligible to be registered as a pharmacy technician.
- (c) The denial of an application for registration as a pharmacy technician shall not be a contested case and the applicant shall not be entitled to a hearing under the Georgia Administrative Procedures Action, O.C.G.A. T. 50, Ch. 13, but such applicant may be entitled to an appearance before the Board.
- (d) A registration, once issued, is renewable biennially, upon payment of a fee. A registrant has a responsibility to update the Board with a change of home address and/or employment address within ten (10) days of such change.

Authority: O.C.G.A. §§ 26-4-5, 26-4-27, 26-4-28, 26-4-60, 16-13-111, and 43-1-19.

NOTE: Struck through text is proposed to be deleted. Underlined text is proposed to be added.

#### **480-15-~~02~~.03 Use of Registered Pharmacy Technicians and Other Pharmacy Personnel.**

- ~~(a) A pharmacy technician can assist any pharmacist directly supervising said technician in the measuring of quantities of medication and the typing of labels thereof, but excluding the dispensing, compounding, or mixing of drugs except as may be permitted by law or these rules.~~
- (a) In dispensing drugs, no individual other than a licensed pharmacist, intern or extern working under direct supervision of a licensed pharmacist shall perform or conduct those duties or functions which require professional judgment. It shall be the responsibility of the supervising pharmacist to ensure that no other employee of the pharmacy, excluding pharmacy interns or externs, performs or conducts those duties or functions which require professional judgment.
- ~~(b) When electronic systems are employed within the pharmacy, pharmacy technicians may enter information into the system and prepare labels; provided, however, that it shall be the responsibility of the pharmacist to verify the accuracy of the information entered and the label produced in conjunction with the prescription drug order.~~
- (b) Only pharmacists, interns, externs and registered technicians can work in the Pharmacy department.
- ~~(c) In the dispensing of all prescription drug orders the pharmacist shall be responsible for all activities of any pharmacy technician in the preparation of the drug for delivery to the patient, and the pharmacist shall be present and personally supervising the activities of any pharmacy technician at all times.~~

(c) For all prescription drug orders, it shall be the responsibility of the Pharmacist on duty at a facility to ensure that only a pharmacist or a pharmacy intern and/or extern under the direct supervision of a registered pharmacist provides professional consultation and counseling with patients or other licensed health care professionals and that only a pharmacist or a pharmacy intern or an extern under the direct supervision of a registered pharmacist accepts telephoned oral prescription drug orders or provides or receives information in any manner relative to prescriptions or prescription drugs.

~~(d) Pharmacy technicians and other pharmacy personnel, i.e. clerks, cashiers, etc., in the prescription department shall be easily identifiable by use of a name badge or other similar means which prominently displays their name and the job function in which the personnel are engaging at that time.~~

(d) In the dispensing of all prescription drug orders:

(1) The pharmacist shall be responsible for all activities of any registered pharmacy technician in the preparation of the drug for delivery to the patient.

(2) The pharmacist shall be present and personally supervising the activities of any registered pharmacy technician at all times.

(3) When electronic systems are employed within the pharmacy, registered pharmacy technicians may enter information into the system and prepare labels; provided, however, that it shall be the responsibility of the pharmacist to verify the accuracy if the information entered and the label produced in conjunction with the prescription drug order.

(4) When a prescription drug order is presented for filling or refilling, it shall be the responsibility of the pharmacist to review all appropriate information and make the determination as to whether to fill the prescription drug order, and

(5) Any other function deemed by the Board to require professional judgment.

~~(e) A pharmacist may supervise only two pharmacy technicians at a time unless the third technician is a certified pharmacy technician or the facility is a hospital pharmacy which has received written approval from the board at the request of the hospital pharmacist to increase the pharmacy to technician ratio. If more than two (2) pharmacy technicians as identified by a name badge are in the prescription department, then the pharmacy and the pharmacist must have written evidence that the third pharmacy technician is a certified pharmacy technician. If more than three (3) pharmacy technicians as identified by a name badge are in the prescription department, the pharmacy shall be deemed to be in violation of the technician to pharmacist ratio, and the pharmacy and the pharmacist on duty may be subject to disciplinary action.~~

(e) The pharmacist to registered pharmacy technician ratio shall not exceed one pharmacist providing direct supervision of three registered pharmacy technicians. One of the three technicians must:

(1) Have successfully passed a certification program approved by the Board of Pharmacy;

(2) Have successfully passed an employer's training and assessment program which has been approved by the Board of Pharmacy; or

(3) Have been certified by the Pharmacy technician Certification Board.

(f) In addition to the utilization of three (3) registered pharmacy technicians, if one is certified, a pharmacist may be assisted by and directly supervise at the same time one (1) pharmacy intern, as well as one (1) pharmacy extern.

~~(g) Only employees or other personnel authorized by law or Board rules are allowed in the prescription department, but all such personnel must be under the direct and personal supervision of the pharmacist while in the prescription department and said pharmacist must be physically present and actually observing the actions of such employees or other personnel.~~

(g) The board may consider and approve an application to increase the ratio in a pharmacy located in a licensed hospital. Such application must be made in writing and may be submitted to the Board by the pharmacist in charge of a specific hospital pharmacy in this state.

(h) No completed prescription drug order shall be given to the patient requesting same unless the contents and the label thereof shall have been verified by a registered pharmacist.

(i) The Board of Pharmacy may revoke or suspend the registration of a pharmacy technician for any of the grounds set forth in O.C.G.A. Sections 43-1-19 or 26-40-60. The revocation or suspension of the registration of a pharmacy technician is not a contested case under the Georgia Administrative Procedures Act, O. C.G.A. T. 50, Ch. 13, and the technician is not entitled to a hearing, but the technician may be entitled to an appearance before the Board.

Authority: O.C.G.A. §§26-4-27, 26-4-28, 26-4-60, 26-4-80, 26-4-82, 26-4-83 and 43-1-19.

NOTE: Struck through text is proposed to be deleted. Underlined text is proposed to be added.

#### **480-15-.04 Duties of the Pharmacist in Charge Related to Registered Pharmacy Technicians.**

(a) The Pharmacist in Charge shall be responsible for:

(1) providing updated information to the Board in accordance with rules and regulations regarding the registered pharmacy technicians employed in the pharmacy for purposes maintaining the registry of registered pharmacy technicians established by the Board pursuant to paragraph (7) of subsection (a) of Code Section 26-4-28.

(2) Ensuring the reporting the separation of employment or termination of any Registered pharmacy technician for any suspected or confirmed criminal occupational-related activities committed or any drug-related reason, including but not limited to Adulteration, abuse, theft or diversion and shall include in the notice the reason for the termination.

(3) Assuring that all pharmacists and pharmacy interns and externs employed at the pharmacy are currently licensed and that registered pharmacy technicians employed at the pharmacy are currently registered with the Board of Pharmacy.

(4) Notifying the Board of any change in the employment status of all registered technicians in the pharmacy within 10 days of the technician's separation date from employment.

- (5) Ensuring that registered pharmacy technicians in the prescription department shall be easily identifiable by use of a name badge or other similar means which prominently displays their name and job title. The Pharmacist-in-Charge is responsible for ensuring that such persons wear or display such identification at all times when they are working in the prescription department.
- (6) Shall ensure that the current registration for each registered pharmacy technician is readily accessible for inspection by the Board or Drugs and Narcotics Agents.
- (7) ensuring that a pharmacist is responsible for the dispensing of all prescription drug orders and for all activities of any pharmacy technician in the preparation of the drug for delivery to the patient, and that a pharmacist shall be present and personally supervising the activities of any pharmacy technician at all times.
- (8) ensuring that employees or other personnel neither of which are licensed nor registered by the board are not allowed in the prescription department unless such personnel are under the direct and personal supervision of a pharmacist and said pharmacist must be physically present and actually observing the actions of such employees or other personnel.
- (b) The Board of Pharmacy can take disciplinary action against the license of a pharmacist in charge who violates the provisions of this rule as authorized by O.C.G.A. Sections 43-1-19 and 26-4-60.

Authority: O.C.G.A. §§ 26-4-27, 26-4-28, 26-4-60, 26-4-80, 26-4-82, 26-4-110, and 43-1-19.

NOTE: Struck through text is proposed to be deleted. Underlined text is proposed to be added.

**480-15-.03 .05 Duties or Functions Prohibited from Being Performed by a Registered Pharmacy Technician.**

- (a) In dispensing drugs, no individual other than a licensed pharmacist shall perform or conduct those duties or functions which require professional judgment. It shall be the responsibility of the supervising pharmacist to ensure to that no other employee of the pharmacy, excluding pharmacy interns or externs but including registered pharmacy technicians, performs, or conducts those duties or functions which require professional judgment. The following functions require the professional judgment of a pharmacist, or a pharmacy intern or extern, under the direct supervision of a pharmacist, and may not be performed by a registered pharmacy technician:
- (1) Acceptance of telephoned or other oral prescriptions;
  - (2) Transfers of prescription drug orders from another pharmacy or transfers of a prescription drug order to another pharmacy;
  - (3) Patient counseling;
  - (4) Receiving information or providing information about a prescription drug order;
  - (5) Making the determination as to whether to refill the prescription drug order;
  - (6) Certification of a filled and finished prescription drug order;
  - (7) Weighing or measuring active ingredients without a mechanism of verification;
  - (8) Compounding of medication without a mechanism of verification;
  - (9) Giving a completed prescription to the patient requesting same without the label and contents and the label being verified by a pharmacist.
  - (10) Reconstitution of prefabricated medication without a mechanism of verification;

- (11) Verification of the constituents of final IV admixtures for accuracy, efficacy, and patient utilization;
- (12) Enter of order on patient medication profiles without verification by a pharmacist;
- (13) Provision of drug information that has not been prepared or approved by the pharmacist;
- (14) Review of the patient record for therapeutic appropriateness; and
- (15) Any other act prohibited by Board rule, or law.

Authority: O.C.G.A. §§ 26-4-27, 26-4-28, 26-4-60, 26-4-82, 26-4-84, 26-4-85, and 26-4-88.

The public hearing for these rules will be held on December 8, 2010 at 1:00 p.m. The Board will vote on these rules at its meeting on January 12, 2011.

The meeting adjourned at 10:00 a.m.

The next Pharmacy Board meeting will be Wednesday, December 8, 2010 at 10:00 a.m. at the office of the Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia.

---

Mickey Tatum, President  
The Georgia State Board of Pharmacy

---

Date

---

Lisa Durden, Executive Director  
The Georgia State Board of Pharmacy

---

Date